THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:15291 of 2007

DATED:19-07-2007

BETWEEN:

M/s Gopal Reddy Associated,
Rep., by its Managing Partner,
Gandavaram Venkata Jayakanth Reddy,
Bodduvaripalem,
Kodavalur mandal,
Nellore District.

..... PETITIONER

AND

A.P.State Finance Corporation,
Rep., by its Managing Director,
Chirag Ali Lane,
Hyderabad & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not clearing the dues of Rs.23,00,129/- to the Electricity Department in respect of premises sold by the respondents to the petitioner under registered sale deed, dated 19-02-2007, as illegal, and arbitrary.

3. It is the case of the petitioner that the petitioner has purchased the property of an extent of Ac.6.05 cents out of which Ac.2.93 cents is in Sy.No.30; Ac.13 cents in Sy.No.31A; Ac.2.99 cents in Sy.No.28-A situated at Bodduvaripalem village, Kodavaluru mandal, Nellore District from the A.P.State Finance Corporation/respondents. It is stated that originally the said property belongs to M/s Sriram Rice Tech. Private Limited and the said company having taken loan from the State Finance Corporation by mortgaging the said property defaulted the payment and therefore action has been initiated under Section 29 of the State Finance Corporation Act by selling the mortgaged property and the petitioner's highest offer of Rs.1,56,50,000/- was accepted, sale was confirmed, and the sale deed, dated 19-02-2007, has been executed in favour of the petitioner. It is stated that as per the covenant of the sale deed the sellor i.e., the State Finance Corporation shall indemnify any demands or dues

against the former but the respondents have not indemnified the dues of Rs.13,25,405/- payable to the A.P.Electricity Board. It is stated that the total dues payable to the A.P.Electricity Board was Rs.23,00,129/-. Hence, the present Writ Petition.

4. The Electricity department is not a party to the Writ Petition. It is not known as to why the petitioner has undertaken to pay part of the dues, if any, when there is no liability on his part, and if no charge can be created against the immovable property for the electricity dues by the previous owner. I am of the opinion that if the petitioner paid any part of the dues it is for him to recover from the respondents by initiating a civil suit but those disputes cannot be resolved in this Writ Petition. Therefore, I am of the opinion that the Writ Petition filed by the petitioner is not maintainable.

5. Accordingly, Writ Petition is dismissed with a liberty to the petitioner to avail the remedies available to him in accordance with law before the appropriate Court/forums. No order as to costs.

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V.ESWARAIAH,J

23rd July, 2007.
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